

AMENDED IN SENATE JUNE 30, 2003
AMENDED IN SENATE JUNE 17, 2003
AMENDED IN ASSEMBLY MAY 7, 2003
AMENDED IN ASSEMBLY APRIL 22, 2003
AMENDED IN ASSEMBLY MARCH 26, 2003
AMENDED IN ASSEMBLY FEBRUARY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 66

Introduced by Assembly Member Leslie
(Coauthors: Assembly Members Aghazarian, Bates, Benoit,
Cogdill, Cox, Dutton, Garcia, Harman, Houston, Lieber,
Longville, Maddox, Maze, Nakanishi, Pacheco, and Spitzer)
(Coauthor: Senator Denham)

December 9, 2002

An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 66, as amended, Leslie. Riparian habitat: Adopt-A-Riverway Program.

Under existing law, the Department of Transportation controls state highways and associated properties, counties are responsible for county highways, and cities are responsible for city streets. Existing law

authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway. The Director of Transportation is authorized to recognize the sponsoring person with the erection of a courtesy sign on the highway. Existing law further authorizes the department to issue encroachment permits. Pursuant to this authority, the department operates a government-volunteer partnership Adopt-A-Highway Program.

Existing law designates the Department of Food and Agriculture as the lead department in noxious weed management. Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, for use by the Secretary of Food and Agriculture for the purpose of managing and eradicating noxious weeds through local weed management areas implementing integrated weed management plans, as defined.

This bill would authorize the Department of Food and Agriculture to accept funds or services from any person, as defined, for maintenance or enhancement of a section of a state riverway, as defined, for purposes of operating a government-volunteer partnership Adopt-A-Riverway Program. Participation in the program would include management of noxious and invasive weeds, as defined. Authorized program activities include planting and establishing native seedling trees, shrubs, native grasses, and wildflowers, and ~~improving enhancing riparian, aquatic, or fish habitats removing litter and weeds~~, consistent with an integrated weed management plan. The bill would establish an Adopt-A-Riverway Fund ~~as a continuously appropriated trust fund for money and any other~~ proceeds donated, appropriated, transferred, or otherwise received for the purpose pertaining to the Adopt-A-Riverway Program. ~~Upon donation of receipt of donations to the fund totaling a minimum of \$100,000 to the fund, up to 5% of any individual donation to the fund of \$5,000 or more~~ may be used for courtesy signs recognizing the donor.

This bill would authorize local authorities, with respect to highways under their jurisdictions, to place and maintain courtesy signs, when authorized by statute. The bill would authorize the Department of Food and Agriculture to award courtesy signs to persons donating a minimum of \$5,000 annually to the Adopt-A-Riverway Fund and to enter into an agreement with a local authority for production, placement, and maintenance of courtesy signs.



Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Noxious and invasive weeds have destroyed large portions
4 of riparian habitat along creeks, streams, rivers, lakes, reservoirs,
5 and other bodies of freshwater in California.

6 (b) Noxious and invasive weeds damage the integrity of the
7 riparian system by altering erosion, sedimentation, flooding, and
8 fire.

9 (c) The invasive weed *Arundo donax* (giant reed) has
10 established large colonies across the state, most notably in
11 southern California, where in one 10,000 acre area of riparian
12 habitat it has been estimated to consume more than 30,000
13 acre-feet of water each year, or enough water to meet the yearly
14 freshwater needs of 150,000 persons.

15 (d) Proper noxious and invasive weed management in riparian
16 habitats is critical to sustaining California's freshwater supply in
17 the future.

18 (e) The Legislature intends that the Department of Food and
19 Agriculture operate an Adopt-A-Riverway Program consistent
20 with the integrated weed management plans for the control of
21 noxious weeds implemented pursuant to Article 1.7 (commencing
22 with Section 7270) of Chapter 1 of Part 4 of Division 4 of the Food
23 and Agricultural Code.

24 (f) The Legislature intends that any private gifts, donations, or
25 bequests to the Adopt-A-Riverway Fund are charitable
26 contributions pursuant to Section 170 of the Internal Revenue
27 Code.

28 (g) The Legislature intends that a portion of the donations made
29 to the Adopt-A-Riverway Program be used to pay for courtesy
30 signs in recognition of the donors' efforts to restore California's
31 riverways and riparian habitats.

32 (h) The Legislature intends the act adding this section to
33 encourage local governments to organize litter removal events in
34 which persons may volunteer time to pick up litter along

1 waterways and in riparian habitats within the local government's
2 jurisdiction.

3 (i) The Legislature intends that the act adding this section shall
4 not be construed to permit the encroachment onto private property
5 or the infringement upon the private property rights of any
6 individual in this state.

7 SEC. 2. Section 7270.5 of the Food and Agricultural Code is
8 amended to read:

9 7270.5. For the purposes of this article:

10 (a) "Integrated weed management plan" means an
11 ecosystem-based control strategy that focuses on long-term
12 prevention of weeds through a combination of techniques, such as
13 biological controls, judicious use of herbicides, modified land
14 management, and cultural practices, and where control practices
15 are selected and applied in a manner that minimizes the risks to
16 human health, nontargeted organisms, and the environment. An
17 integrated weed management plan shall also, when appropriate,
18 comply with any applicable provisions of Chapter 6 (commencing
19 with Section 1600) of Division 2 of the Fish and Game Code,
20 *Division 6 (commencing with Section 11401) and Division 7*
21 *(commencing with Section 12500) of the Food and Agricultural*
22 *Code*, and the California Environmental Quality Act (Division 13
23 (commencing with Section 21000) of the Public Resources Code).

24 (b) "Noxious and invasive weeds" means weeds that the
25 department has determined to be either noxious or invasive weed
26 species.

27 (c) "Person" shall have the same meaning as in Section 38, but
28 shall additionally include the United States of America, and all
29 political subdivisions, districts, municipalities, and public
30 agencies of the State of California.

31 (d) "Riverway" means the water, bed, shoreline, and riparian
32 vegetation, of any creek, including an "urban creek" as defined in
33 Section 7048 of the Water Code, stream, river, lake, reservoir, or
34 other body of freshwater, including a "stream environment zone"
35 as defined in Section 66957 of the Government Code, as well as
36 enclosed bays and estuaries, as defined by Section 13391.5 of the
37 Water Code.

38 SEC. 3. Section 7275 is added to the Food and Agricultural
39 Code, to read:



1 7275. (a) The department is authorized to operate a
2 government-volunteer partnership Adopt-A-Riverway Program.

3 (b) The department may receive funds or services from any
4 person to assist a weed management area in implementing an
5 integrated weed management plan, pursuant to this article.

6 (c) Adopt-A-Riverway Program activities may include the
7 following activities, provided the activities are completed as part
8 of an *approved* integrated weed management plan *and are*
9 *coordinated with the responsible local agency*:

10 (1) Planting and establishing native seedling trees, native
11 grasses, and wildflowers along the adopted riverway.

12 ~~(2) Improving and enhancing riparian, aquatic, or fish habitats.~~

13 (2) *Removal of litter and noxious and invasive plant species.*

14 (d) *Adopt-a-Riverway Program activities shall be conducted*
15 *only on publicly owned land unless permission is granted by the*
16 *owner or owners of private property for program activities to take*
17 *place on their property as well.*

18 (e) Activities undertaken pursuant to subdivision (c) are
19 subject to review pursuant to the California Environmental
20 Quality Act (Division 13 (commencing with Section 21000) of the
21 Public Resources Code) and any state or locally adopted river
22 management or conservancy plan.

23 ~~(e)~~

24 (f) The secretary may request ~~the Director of Transportation or~~
25 a local authority to authorize a courtesy sign to be placed on a ~~state~~
26 ~~highway, county highway, or city street,~~ near the riverway,
27 pursuant to Chapter 2 (commencing with Section 1975) of
28 Division 2.7 of the Streets and Highways Code.

29 ~~(f)~~

30 (g) It is the intent of the Legislature that the duties and
31 responsibilities of the department, as provided for in this section,
32 be accomplished by utilizing existing staff resources, as available.

33 SEC. 4. Section 7276 is added to the Food and Agricultural
34 Code, to read:

35 7276. (a) The Adopt-A-Riverway Fund is hereby established
36 in the State Treasury. The fund is a trust fund and shall contain
37 money and any other proceeds donated, appropriated, transferred,
38 or otherwise received for purposes pertaining to the
39 Adopt-A-Riverway Program. The secretary may collect for
40 deposit into the fund, gifts, donations, bequests, and moneys made

1 available from federal, state, and local sources. Notwithstanding
2 ~~Section 13340 of the Government Code, the money in the~~
3 ~~Adopt-A-Riverway Fund is hereby continuously appropriated to~~
4 ~~the department without regard to fiscal years for purposes~~
5 ~~pertaining to the Adopt-A-Riverway Program.~~

6 (b) Notwithstanding subdivision (c) of Section 7271, the
7 secretary of the department shall award grants from the
8 Adopt-A-Riverway Fund to weed management areas, as defined
9 by subdivision (b) of Section 7272, for the purpose of integrated
10 weed management along riverways and in riparian habitats
11 consistent with Sections 7272 and 7272.5.

12 (c) Notwithstanding subdivision (c) of Section 7271, the
13 secretary of the department may award grants from the
14 Adopt-A-Riverway Fund to nonprofit organizations for integrated
15 weed management along riverways and in riparian habitats. The
16 department shall establish regulations for grant eligibility and
17 award pursuant to this subdivision.

18 (d) Fifteen percent of the total moneys in the
19 Adopt-A-Riverway Fund shall be made available to the
20 department, to be used only for the following purposes:

21 (1) Carrying out the provisions of this article.

22 (2) Developing of noxious weed control strategies.

23 (3) Seeking new, effective biological control agents for the
24 long-term control of noxious weeds.

25 (4) Conducting private and public workshops as needed to
26 discuss and plan weed management strategies with all interested
27 and affected local, state, and federal agencies, private landowners,
28 educational institutions, interest groups, and county agricultural
29 commissioners.

30 (e) ~~Upon donation of receipt of donations to the fund totaling~~
31 ~~a minimum of one hundred thousand dollars (\$100,000) to the~~
32 ~~fund, up to 5 percent of any individual donation to the fund of five~~
33 ~~thousand dollars (\$5,000) or more may be used for courtesy signs~~
34 ~~to be produced, placed, and maintained pursuant to Chapter 2~~
35 ~~(commencing with Section 1975) of Division 2.7 of the Streets and~~
36 ~~Highways Code.~~

37 SEC. 5. Division 2.7 (commencing with Section 1970) is
38 added to the Streets and Highways Code, to read:
39

DIVISION 2.7. COURTESY SIGNS

CHAPTER 1. GENERAL PROVISIONS

1970. (a) Local authorities, with respect to highways under their respective jurisdictions, may place and maintain, or cause to be placed and maintained, courtesy signs, when authorized by statute.

(b) Courtesy signs shall be consistent with existing code provisions and department rules and regulations concerning signs.

(c) Courtesy signs shall only be placed upon the highways of a local authority, upon the approval of an authorizing resolution by a majority of the members of the governing body of that local authority. The resolution authorizing the placement of courtesy signs shall include all of the following:

(1) A general plan of where the courtesy signs will be placed within the geographical borders of the local authority, including any street, bike trail, or pedestrian path.

(2) A finding that the planned placement of the courtesy signs would not degrade the natural environment of the area.

~~(d) The costs incurred by local authorities associated with placing and maintaining courtesy signs shall be paid for by the Adopt-A-Riverway Fund.~~

CHAPTER 2. ADOPT-A-RIVERWAY PROGRAM

1975. (a) Courtesy signs may be awarded by the Department of Food and Agriculture, to persons that donate a minimum of five thousand dollars (\$5,000) annually to the Adopt-A-Riverway Fund. Donors may stipulate in which county they desire the courtesy signs be placed and may request specific sign placement within the county.

(b) The Department of Food and Agriculture may enter into an agreement with a local authority for production, placement, and maintenance of courtesy signs to be awarded pursuant to this section.

- 1 (c) *The costs incurred by the local authorities associated with*
- 2 *placing and maintaining courtesy signs shall be paid for out of the*
- 3 *Adopt-a-Riverway Fund.*

